COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled E-MAIL MESSAGING SYSTEM AND METHOD FOR ENHANCED RICH MEDIA DELIVERY the specification of which

(Number) (Number) I hereby claim the benefit un application(s) listed below 60/228,382 (Application Number)	(Country) der title 35, United States C 8/28/2000 Filing Date	(Day/Month/Year Filed) Code, Section 119(e) of any United	Yes States pro	No ovisional
(Number) I hereby claim the benefit un application(s) listed below 60/228,382	der title 35, United States C 8/28/2000			
(Number) I hereby claim the benefit un				
	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)				
	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	Ňo
Prior Foreign Application(s)			Priori <u>Claim</u>	•
Title 37, Code of Federal Re I hereby claim for foreign application(s) for p	egulations, Section 1.56. eign priority benefits under atent or inventor's certifications	er Title 35, United States Code, ate listed below and have also ide filing date before that of the appli	Section 1	19(a)-(d), of any elow any foreign
including the claim(s), as ar claimed invention was ever or described in any printed papplication, that the same w to this application, and that before the date of this applime or my legal representati (for a design patent application).	t I have reviewed and un mended by any amendment known or used in the Unite publication in any country by as not in public use or on so the invention has not been partial cation in any country foreign ves or assigns more than to ion) prior to this application		and do no vention the e than one a more th inventor's a on an ap application	ot believe that the ereof, or patented year prior to this an one year prior certificate issued plication filed by on) or six months
	nd was amended on		_ ,	
	H PC I IIIEMIAHONALAOONG	ation Number		
0	Jnited States Application N or PCT International Applic			

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States
application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed
in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code,
Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as
defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the
prior application and the national or PCT international filing date of this application:

(Application Number)	Filing Date	(Status patented, pending, abandoned)
(Application Number)	Filing Date	(Status patented, pending, abandoned)

I hereby appoint the practitioners associated with the Customer Number provided below, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, and direct that all correspondence be addressed to that Customer Number.

Customer Number 21833

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: Scott T. Brown	
Inventor's Signature:	Date: 8/24/87
Residence: 2477 Ajax Court, Superior, CO 80027	Citizenship USA
(City, State)	(Country)
Post Office Address: 2477 Ajax Court, Superior, CO 80027	
2	
Full Name of Second Inventor: Kelly A. Wanser	
Inventor's Signature: John War War	Date: 2/24/01
Residence: 13043 Jackson Drive, Thornton, CO 80241	Citizenship USA
(City, State)	(Country)
Post Office Address: 13043 Jackson Drive, Thornton, CO 80241	

a claim; or

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.